

Amendment and Response  
Serial No. 10/611,455  
Filed: June 30, 2003  
Page 12 of 19

**REMARKS**

The Examiner's comments and rejections have been carefully noted, and the following is submitted in response thereto.

Page 2, line 2 has been amended to reflect the copending applications that list the same inventors as this application.

**35 U.S.C. § 102 rejections**

The Examiner rejected claim 6, 8-9, 11, 13, 16-17, 19-20, 27 and 29-30 as anticipated by U.S. Pub. No. 2002/0147988 published October 10, 2002 to Nakano (Nakano). All of these claims have been amended to require that the determination to inform the user of receipt of the email message is made independent of any query by the user or user equipment of any email server or email account, and to reflect that the hot key signal is multiplexed and modulated with the content signal (or in the context of claim 27, that the receiver demodulates and demultiplexes the hot key signal). Support for these amendments may be found in the application at, among other places, page 14, line 16 – page 16, line 10.

Nakano does not disclose or suggest such a push system or method for informing users of an interactive television service of receipt of an email message, nor such a system or method where the hot key signal is

Amendment and Response  
Serial No. 10/611,455  
Filed: June 30, 2003  
Page 13 of 19

multiplexed and modulated with the content signal transmitted to the user. What Nakano does disclose is set top box applications that query an email server and notify the user that an email message fulfilling specific filter criteria has arrived. Nakano, ¶¶ [0012] – [0017]. Nakano discloses that schema in the context where the set top boxes are connected directly to the email server apart from being directly connected to the television provider (Nakano ¶ [0050], Figs. 3, 6 and 7), and where the emails that are the subject of a notification on a television screen are downloaded not through the set top box and displayed on the television screen, but instead are downloaded to a workstation. (Nakano ¶ 0056]). That architecture is contrary to the systems and processes defined in the amended claims, in which the determination to notify of email receipt is independent of any query by the user and user equipment of any email server or account.

Accordingly, applicants respectfully request that the 35 U.S.C. § 102 rejection of these claims be reconsidered and withdrawn.

### **35 U.S.C. § 103 rejections**

The Office Action rejects the remainder of the claims under 35 U.S.C. § 103 as unpatentable over Nakano and in view of U.S. Pub. No. US2002/0138561 published September 26, 2002 to Chatfield, et al. (Chatfield)

Amendment and Response  
Serial No. 10/611,455  
Filed: June 30, 2003  
Page 14 of 19

and U.S. Pub. No. US2004/0049785 published March 11, 2004 to Grzeczkowski et al. (Grzeczkowski). All claims have been amended to require that the determination to inform the user of receipt of the email message is made independent of any query by the user or user equipment of any email server or email account, and to reflect that the hot key signal is multiplexed and modulated with the content signal (or in the context of claim 27, that the receiver demodulates and demultiplexes the hot key signal). None of Nakano, Chatfield or Grzeczkowski singly or in combination teaches or suggests such a push system or method for informing users of interactive television service of receipt of an email message, nor such a system or method where the hot key signal is multiplexed and modulated with the content signal transmitted to the user.

As discussed in the 35 U.S.C. § 102 rejection section above, Nakano discloses set top box applications that query an email server and notify the user that an email message fulfilling specific filter criteria has arrived.

Chatfield, which is cited against claim 15 to show a television service provider maintaining email accounts, is in the context of systems and methods for allowing end users who subscribe to a discontinued service

Amendment and Response

Serial No. 10/611,455

Filed: June 30, 2003

Page 15 of 19

provider to be redirected to a service provider selection interface in order to select a new service provider.

Grzeczkowski discloses providing alert messages to set top box users such as regarding weather, traffic and school closings. (Grzeczkowski, ¶ [0003], Abstract) Nowhere does Grzeczkowski disclose or suggests providing an alert that an email has been received; indeed, a text search on the word "mail" shows one use, in the first sentence of ¶ [0015]. That paragraph discusses that alerts can conventionally be passed to cell phones, beepers and email, as distinguished from being passed to televisions as disclosed in Grzeczkowski.

The email notification based on polling the email server according to Nakano, and the alerting functionality of Grzeczkowski, diverge in how they address notification of users, since Grzeczkowski provides automatic weather, traffic or school related alerts while Nakano requires that the source of information for the alert must be queried. If they were combined, they would at best result in a combination where a Grzeczkowski type alert would be sent only after a Nakano type query of an email server were conducted. That is at odds with the systems and methods of the amended claims, which all require that determination to inform the user of receipt of the email

Amendment and Response  
Serial No. 10/611,455  
Filed: June 30, 2003  
Page 16 of 19

message is made independent of any query by the user or user equipment of any email server or email account. Accordingly, not only do Nakano, Chatfield and Grzeczkowski fail to provide any reason to combine (and none has been established in the Office Action), but they also teach away from the systems and processes of the amended claims.

Accordingly, applicants respectfully request that the obviousness rejection be reconsidered and withdrawn.

#### **Identification of Other Applications**

This application relates to:

- (1) USSN 10/610,776 filed June 30, 2003,
- (2) USSN 10/742,700 filed December 19, 2003,
- (3) USSN 10/610,938, filed June 30, 2003,
- (4) USSN 10/611,259 filed June 30, 2003,
- (5) USSN 10/611,454 filed June 30, 2003, and
- (6) USSN 10/611,453 filed June 30, 2003.

USSN 10/610,776, USSN 10/610,938, and USSN 10/611,454 have also been allocated to the Examiner. Applicants note that USSN 10/611,259, USSN 10/611,453, USSN 10/742,700 have been allocated to Examiner Jason Salce in Group 2623.

Amendment and Response  
Serial No. 10/611,455  
Filed: June 30, 2003  
Page 17 of 19

For the Examiner's information, applicants also inform the Examiner that the Assignee of the present application is also owner of the following family of patents and applications:

- (1) USPN 5,818,438 corresponding to USSN 08/428,718 filed April 25, 1995,
- (2) USPN 6,502,242 corresponding to USSN 09/018,767 filed February 5, 1998, which is a divisional of USPN 5,818,438,
- (3) USPN 6,826,775 corresponding to USSN 09/019,534 filed February 5, 1998, which is a divisional of USPN 5,818,438,
- (4) USPN 5,892,508 corresponding to USSN 09/019,531 filed February 5, 1998, which is a divisional of USPN 5,818,438,
- (5) USPN 6,567,982 corresponding to USSN 09/116,325 filed July 15, 1998, which is a continuation of USPN 5,818,438,
- (6) USSN 10/335,835 filed January 2, 2003, which is a divisional of USPN 6,567,982,
- (7) USSN 10/335,735 filed January 2, 2003, which is a divisional of USPN 6,567,982, and

Amendment and Response  
Serial No. 10/611,455  
Filed: June 30, 2003  
Page 18 of 19

(8) USSN 11/644,045 filed December 22, 2006, which is a continuation of USSN 10/335,835 filed January 2, 2003 which is in turn a divisional of USPN 6,567,982.

Amendment and Response  
Serial No. 10/611,455  
Filed: June 30, 2003  
Page 19 of 19

**CONCLUSION**

Applicants respectfully request in view of the foregoing that all of pending claims 1-31 be allowed.

Respectfully submitted,



Michael A. Bertelson  
Registration No. 54,713

KILPATRICK STOCKTON LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309  
Telephone: (404) 815-6500